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UBER TECHNOLOGIES, INC.
14 and OTTOMOTTO LLC

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

18 WAYMO LLC,
19 Plaintiff,
20 v.
21 UBER TECHNOLOGIES, INC.,
22 OTTOMOTTO LLC; OTTO TRUCKING LLC,
23 Defendants.

Case No. 3:17-cv-00939-WHA

**DECLARATION OF MICHELLE
YANG IN SUPPORT OF
DEFENDANTS' MOTION TO
COMPEL RESPONSES TO
INTERROGATORIES AND
REQUESTS FOR PRODUCTION OF
DOCUMENTS**

Judge: Hon. Jacqueline Scott Corley
Trial Date: October 2, 2017

1 I, Michelle Yang, declare as follows:

2 1. I am an attorney at the law firm of Morrison & Foerster LLP. I make this
3 declaration based upon matters within my own personal knowledge and if called as a witness, I
4 could and would competently testify to the matters set forth herein. I make this declaration in
5 support of Defendants Uber Technologies, Inc., and Ottomotto LLC's ("Uber") Motion to
6 Compel Responses to Interrogatories and Requests for Production of Documents.

7 2. On September 23, 2016, Stephen Swedlow, the Managing Partner of Quinn's
8 Chicago office, sent an email to Uber terminating Quinn's relationship with Uber. That email
9 states, in part: "[I]t is no longer feasible to serve the role we have been relegated to in the context
10 of representing Uber." (Exhibit 15.) The arbitration lawsuit against Anthony Levandowski was
11 filed by Waymo one month later. (Dkt. 125 at 5.)

12 3. During a June 16, 2017 meet and confer with the Special Master, Uber asked
13 Waymo if it would stipulate not to argue at trial that Mr. Levandowski failed to comply with
14 company policies regarding side businesses, and Waymo refused.

15 4. During the June 16, 2017 meet and confer, Uber agreed that Waymo could initially
16 produce documents only for its autonomous driving employees and senior executives, and only
17 for side businesses from the past five years. The Special Master asked if Waymo could at least
18 determine how many such employees have side businesses, but Waymo refused. Waymo has
19 only produced "side business" documents relating to side businesses of Anthony Levandowski.
20 (Exhibit 20, 6/16/17 A. Gonzalez Email to Waymo re Waymo Responses to Document Requests.)

21 5. On June 16, 2017, in a further effort to confer, Uber asked Waymo whether it had
22 spoken to people at Google who approve "side projects," and Waymo refused to answer.
23 (Exhibit 20, 6/16/17 A. Gonzalez Email to J. Nardinelli re Waymo Responses to Document
24 Requests.)

25 6. Attached hereto as Exhibit 1A is a true and correct copy of Defendants Uber
26 Technologies, Inc. and Ottomotto LLC's First Set of Requests for Production of Documents
27 (Nos. 1-146) dated May 12, 2017.
28

1 7. Attached hereto as Exhibit 1B is a true and correct copy of Defendants Uber
2 Technologies, Inc. and Ottomotto LLC's Second Set of Requests for Production of Documents
3 (Nos. 147-162) dated May 17, 2017.

4 8. Attached hereto as Exhibit 1C is a true and correct copy of Defendant Uber
5 Technologies, Inc.'s First Set of Interrogatories (Nos. 1-11) dated May 17, 2017.

6 9. Attached hereto as Exhibit 2 is a true and correct copy of an email from Esther
7 Chang (counsel for Uber) to Jeff Nardinelli (counsel for Waymo) and others, dated June 9, 2017.

8 10. Attached hereto as Exhibit 3 is a true and correct copy of Plaintiff's Objections
9 and Responses to Uber's and Ottomotto's First Set of Requests for Productions (Nos. 1-146)
10 dated June 12, 2017.

11 11. Attached hereto as Exhibit 4 is a true and correct copy of an email from Scott
12 Llewellyn (counsel for Uber) to Andrea Roberts (counsel for Waymo) and others, dated June 14,
13 2017.

14 12. Attached hereto as Exhibit 5 is a true and correct copy of Plaintiff's Responses and
15 Objections to Uber's Second Set of Requests for Productions (Nos. 147-162), dated June 16,
16 2017.

17 13. Attached hereto as Exhibit 6 is a true and correct copy of Plaintiff's Objections
18 and Responses to Uber's First Set of Interrogatories (Nos. 1-11), dated June 16, 2017.

19 14. Attached hereto as Exhibit 7 is a true and correct copy of an email from Arturo
20 Gonzalez (counsel for Uber) to Jeff Nardinelli (counsel for Waymo) and others, dated June 17,
21 2017.

22 15. Attached hereto as Exhibit 8 is a true and correct copy of an email from Arturo
23 Gonzalez (counsel for Uber) to Jeff Nardinelli (counsel for Waymo) and others, dated June 18,
24 2017.

25 16. Attached hereto as Exhibit 9 is a true and correct copy of an email from Scott
26 Llewellyn (counsel for Uber) to Jeff Nardinelli (counsel for Waymo) and others, dated June 17,
27 2017.

1 17. Attached hereto as Exhibit 10 is a true and correct copy of an email from Arturo
2 Gonzalez (counsel for Uber) to Felipe Corredor (counsel for Waymo) and others, dated June 17,
3 2017.

4 18. Attached hereto as Exhibit 11 is a true and correct copy of an email from Arturo
5 Gonzalez (counsel for Uber) Felipe Corredor (counsel for Waymo) and others, dated June 17,
6 2017.

7 19. Attached hereto as Exhibit 12 is a true and correct copy of an email from Jeff
8 Nardinelli (counsel for Waymo) to Arturo Gonzalez (counsel for Uber) and others, dated June 16,
9 2017.

10 20. Attached hereto as Exhibit 13 is a true and correct copy of an email from Jeff
11 Nardinelli (counsel for Waymo) to Arturo Gonzalez (counsel for Uber) and others, dated June 18,
12 2017.

13 21. Attached hereto as Exhibit 14 is a true and correct copy of an email from Felipe
14 Corredor (counsel for Waymo) to Arturo Gonzalez (counsel for Uber) and others, dated June 18,
15 2017.

16 22. Attached hereto as Exhibit 15 is a true and correct copy of an email from Stephen
17 Swedlow (Managing Partner of Quinn's Chicago office) to members of Uber's legal team, dated
18 September 23, 2016.

19 23. Attached hereto as Exhibit 16 is a true and correct copy of a press release from the
20 Department of Justice entitled "Justice Department Requires Six High Tech Companies to Stop
21 Entering into Anticompetitive Employee Solicitation Agreements", dated September 24, 2010.

22 24. Attached hereto as Exhibit 17 is a true and correct copy of an article from the New
23 York Times entitled "Lyft and Waymo Reach Deal to Collaborate on Self-Driving Cars", dated
24 May 14, 2017.

25 25. Attached hereto as Exhibit 18 is a true and correct copy of Exhibit 1031, marked at
26 the deposition of Daniel Chu taken on April 3, 2017.

